

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

TEAL PEAK CAPITAL, LLC;

Plaintiff and Counter Defendant,

And

JOHN MICHAEL GRZAN AND NAMRATA
KHIMANI

Counter Defendant,

v.

ALAN BRAM GOLDMAN;

Defendant and Counter Claimant.

Case No. 3:20-CV-01747 (PAD)

BREACH OF CONTRACT; SPECIFIC
PERFORMANCE OF CONTRACT;
REIMBURSEMENT OF FUNDS, COSTS
AND EXPENSES

JOINT MOTION FOR ENTRY OF REVISED SCHEDULING ORDER

TO THE HONORABLE COURT:

Plaintiff Teal Peak Capital, LLC (“TPC”), Counter Defendants John Michael Grzan and Namrata Khimani (“Grzan-Khimani”), and Defendant Alan Bram Goldman (“Mr. Goldman”) (collectively the “Parties”), through their legal representation, file this Motion for Entry of Revised Scheduling Order, and respectfully state and pray as follows:

1. On April 22, 2021, this Honorable Court entered a Case Management Order. *See* Docket No. 38 (“Scheduling Order”).
2. There, the Court ordered that the conclusion of **all discovery** would be on October 22, 2021. *See* Scheduling Order, p. 1. The deadline to file motions for summary judgment would be on November 22, 2021 and the deadline to file oppositions thereto would be on December 22, 2021.

3. On July 2, 2021, and on July 30, 2021, Mr. Goldman filed his Motions to Stay Discovery. *See* Docket No. 70, 88. In a nutshell, Mr. Goldman requested the Court to stay discovery proceedings pending the resolution of his Motion to Dismiss the Amended Complaint, Docket No. 63, as it would save the parties and the Court, expenses, time, and effort.

4. TPC and Mr. Goldman filed a total of three Joint Motions Informing the Court of the Status of Discovery. *See* Docket No. 52, 89, and 93. In the Joint Motions dated June 7, 2021, and August 6, 2021, TPC and Mr. Goldman informed the Court they had not conducted discovery due to the dispositive motion pending before the Court. Then, on October 11, 2021, TPC affirmed that it “does not agree to any stay of the proceedings . . . [and] will serve upon Defendant a First Set of Interrogatories and Requests for Production of Documents no later than the end of this week.” *See* Docket No. 93, p. 1.

5. On October 13, 2021, TPC indeed served Mr. Goldman with a First Set of Interrogatories and Requests for Production of Documents, which Mr. Goldman answered in good faith on November 12, 2021. This is to say, Mr. Goldman answered within the time allotted to do so by the Federal Rules of Civil Procedure, but after the Court imposed deadline concluding all discovery.

6. On October 14, 2021, this Honorable Court denied Mr. Goldman’s Motion to Stay Discovery, Docket No. 70, and his Renewed Motion to Stay Discovery, Docket No. 88, finding that “[t]he request to stay discovery pending resolution of the motion to dismiss is not justified.” *See* Docket No. 96. The Motion to Dismiss the Amended Complaint has been fully briefed and it is pending resolution by the Court.

7. However, Mr. Goldman and Grzan-Khimani have yet to conduct any discovery and are keen to do so if allowed by this Honorable Court. Accordingly, the Parties agree that an extension, until March 31, 2022, is appropriate to complete factual discovery.

8. Thus, subject to a ruling by the Court on the pending dispositive motion, the Parties respectfully request from this Court to extend the deadline to conclude discovery by March 31, 2022. All other subsequent pretrial deadlines (including motions for summary judgment, and the pretrial conference) would likewise be moved back three months.

WHEREFORE, the Parties hereby request that the Court enter a Revised Scheduling Order extending the conclusion of all discovery until March 31, 2022 and all other subsequent pretrial deadlines by three months.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY: That on this date a true and exact copy of the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record.

In San Juan, Puerto Rico, this 17th day of November, 2021.

Attorney for Alan Bram Goldman
McConnell Valdés LLC
PO Box 364225
San Juan, Puerto Rico 00936-4225
270 Ave. Muñoz Rivera
Hato Rey, PR 0918
T: 787-250-5604

By: s/ Antonio A. Arias-Larcada
Antonio A. Arias-Larcada, Esq.
USDC-PR 204906
aaa@mcvpr.com

*Attorney for John Michael Grzan and
Namrata Khimani*

**Héctor Eduardo Pedrosa Luna,
Esq.**

P.O. Box 9023963
San Juan, PR 00902-3963
Tel. 787-920-7983
Fax 787-754-1109

s/Héctor Eduardo Pedrosa Luna

Héctor Eduardo Pedrosa Luna

USDPR NO. 223202

hectorpedrosa@gmail.com

Attorney for Teal Peak Capital, LLC
**Sánchez-Betances, Sifre & Muñoz-Noya,
LLC**

33 Calle Bolivia, Suite 500
San Juan, Puerto Rico 00917
T: 787-756-7880
F: 787-753-6580

s/ Adrián Sánchez-Pagán

Adrián Sánchez-Pagán

USDCPR NO. 223311

asanchez@sbsmnlaw.com